

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 16, 2005. At the time of the Office Action, Claims 1-30 were pending in this Application. Claims 1-30 were rejected. Claims 1, 15, 16, 17, 18, 19, 20, 21, 22, 24 and 26 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-3, 5-8, 11, 15 and 17-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,784,628 issued to Kenneth S. Reneris ("Reneris"). Applicants respectfully traverse and submit the cited art does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent Claim 1 recites, among other demands, a computer system that includes "a plurality of power supplies" and a "resource management engine operable to scale the number of the plurality of processing resources in relation to a plurality of demand requirements."

Independent Claim 15 recites a method for optimizing power consumption by a computer system that includes a plurality of processing resources and a plurality of power supplies, that recites, among other steps, "adjusting the plurality of processing resources to satisfy [a] demand requirement."

Examiner cites to Reneris as anticipating Claims 1-3, 5-8, 11, 15 and 17-23. Reneris teaches a "software controlled power management system that is integrated with the computer's operating system and device drives." See Col. 1, lines 8-9. More particularly, Reneris teaches a system and method applicable to computer systems with a single processing unit (of one or more processors) and a single power supply. See Fig. 1 and Col. 5, lines 59-60 and Col. 6, lines 23-25. Additionally, Reneris teaches power management with

respect to multiple peripheral devices such as displays, keyboards, various drives, printers, modems, scanners, etc. See Col. 6, lines 17-23.

Examiner concedes that Reneris does not teach scaling resources for multiple computers with multiple power supplies. See 6/16/05 office action, page 6. However, Examiner has taken official notice that the “inclusion of the ability to spread the teachings of this invention simultaneously among multiple workstations is well known to one of ordinary skill in the art at the time of the invention.

Applicants respectfully traverse. First, Examiner fails to provide any explicit basis on which he regards the matter as subject to official notice, sufficient for Applicants to challenge such reasoning, or lack thereof, as required by MPEP §2144.03(B). Second, Applicants submit that “spreading the teachings” of Reneris to multiple work stations, as suggested by Examiner, would result in each work station having an individual power management system such that each work station would employ localized independent power management techniques based upon the power requirements of the peripheral drives of each individual work station. Such a system fails to disclose, teach or suggest the resource management of a single computer system encompassing a plurality of processing resources and a plurality of power resources.

Additionally, Applicants direct Examiner to page 3, line 25 - page 4, line 5 of the present application for a discussion of the problems or barriers to enterprise level power management — namely that an operating system on any given machine does not have sufficient information to make appropriate decisions for enterprise level power management.

For at least these reasons Applicants submit that Independent Claims 1 and 15 are not rendered obvious by the teachings of Reneris and obvious modifications thereto. Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claims 1 and 15 and Claims 2-3, 5-8, 11 and 17-23 which depend therefrom.

Claims 9, 10, 13, 14, 16 and 24-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reneris in view of U.S. Patent No. 6,583,521 issued to Martin Lagod et al. (“Lagod”). Applicants respectfully traverse.

Applicants submit that Claims 9, 10, 13, 14 and 24-26 depend from claims that have been placed in condition for allowance. Accordingly, Applicants respectfully request

reconsideration, withdrawal of the §103 rejections and full allowance of Claims 9, 10, 13, 14 and 24-26.

Independent Claim 27 recites a method for managing power consumption in a computer system that includes the step of “determining if a processing resource change is needed to efficiently meet the future demand requirements.”

Examiner cites for the following portion of Lagod as teaching this step:

In the event that there is a reasonable probability that a power outage might occur at a consumer's site, based upon the statistical data 28, the control center can switch the loads over to the on-site generation equipment as a pre-emptory move, rather than wait until an actual outage occurs. In addition to interruptions due to adverse weather conditions, the statistical data 28 can be used to predict when loads may change, priors may change, or the reliability of the grid may vary, and switch between the power sources.

Col. 7, lines 21-30.

Lagod teaches industrial energy management and the use of electric power generators on a customer site. Examiner appears to have argued that an electric power generator is the same as a computer processing resource. This assertion is incorrect. The Lagod reference generally and the portion listed above that has been cited by the Examiner clearly provides no teaching or suggestion relating to internal power management within a computer system or the management of the processing resources within a computer system to meet future demand requirements as recited in Independent Claim 27.

Accordingly, Applicants respectfully request reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claim 27 and Claims 28-30 which depend therefrom.

Claims 4, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reneris in view of U.S. Patent Application Publication 2002/0062454 by Henry T. Fung (“Fung”). Applicants respectfully traverse.

Applicants submit that Claims 4, 11 and 12 depend from Independent Claims that have been placed in condition for allowance, thereby obviating the present rejection.

Applicants request reconsideration, withdrawal of the §103 rejections and full allowance of Claims 4, 11 and 12.


CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-30 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Brian E. Szymczak
Reg. No. 47,120

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **23640**
512.322.2548
512.322.8383 (fax)

Date: 9/16/05